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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184531
Party	Defendant Agave Rose Wine Company, LLC
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Attachments	jack quinn answer.pdf (4 pages)(122657 bytes)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Chatam International Incorporated,

Opposer,

v.

Agave Rose Wine Company, LLC,

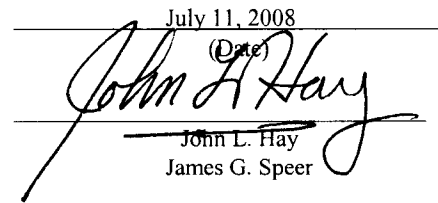
Applicant.

Opposition No. 91/184,531

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via electronic filing through their website located at <http://estta/uspto.gov/on>:

July 11, 2008

(Date)


John L. Hay
James G. Speer

ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

ATT: BOX TTAB NO FEE

Dear Sir:

Applicant, Agave Rose Wine Company, LLC (“Applicant”), a California limited liability company, having an address at 493 Zinfandel Lane, St. Helena, California 94574, hereby answers the Notice of Opposition filed by Chatam International Incorporated (“Opposer”) against registration of Applicant’s

mark JACK QUINN, U.S. Application Serial Number 77/254,024 (the “Application”), as follows:

1. Applicant denies each and every allegation of the Notice of Opposition (“Notice”) not expressly admitted in this answer.

2. Answering paragraph 1, Applicant denies that Opposer will be damaged by the registration of the mark shown in Serial No. 77/254,024 for JACK QUINN (“Applicant’s Mark”).

3. Applicant admits the allegations of paragraphs 2 and 3 of the Notice.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Notice and accordingly denies them.

5. Applicant denies the allegations of paragraph 5.

6. Answering paragraph 6, Applicant denies that Opposer will be damaged as alleged in that paragraph.

7. Applicant denies the allegations in paragraphs 7, 8, 9 and 10 of the Notice.

AFFIRMATIVE DEFENSES:

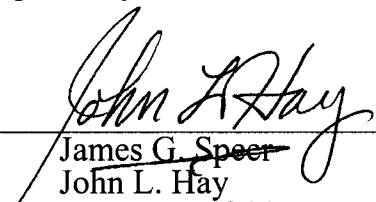
8. There is no likelihood of confusion, mistake or deception because Applicant’s Mark and the marks pleaded by Opposer (“Opposer’s Marks”) are not confusingly similar. Opposer’s Marks consist of a single name which is obviously French, and Applicant’s Mark consists of two words comprising the names of the owners’ two young sons, with no French connotations whatever, causing the commercial impression of the marks to be vastly different. There are differences in pronunciation, spelling, the number of letters, the number of words, and the general appearance of the Marks.

9. There is no likelihood of confusion, mistake or deception because the goods on which the Applicant's Mark ("Applicant's Goods") is used are not identical to or closely related to the goods on which Opposer's Marks are used ("Opposer's Goods"). While both Applicant's Goods and Opposer's Goods are wines and spirits (alcoholic beverages), Applicant's Goods are limited to wine, and Opposer's Goods are spirits, which do not include wine. These are substantially different products. The market for wine and the market for other alcoholic beverages are separate, and consumers well recognize the distinction between the two classes of goods. Purchasers intending to purchase wine will not be in the market for other spirits and vice versa; purchasers will use great care to purchase the type of alcoholic beverages they desire.

10. There is no likelihood of confusion, mistake or deception because the goods on which the Applicant's Mark is used and the goods on which Opposer's Marks are commonly sold through different channels of trade and to different prospective purchasers. While both wines and spirits are frequently marketed through the same liquor wholesalers and are both sold in liquor stores, wines are considered a different classification than other spirits for liquor licensing purposes and are normally marketed separately.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its Mark.

Respectfully submitted,

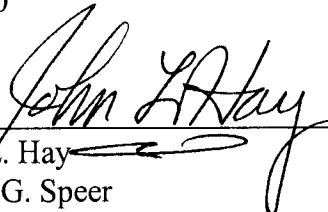


~~James G. Speer~~
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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing answer to Notice of Opposition upon Opposer's counsel by depositing one copy thereof in the United States , first-class postage prepaid, on July 11, 2008, addressed as follows:

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